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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,070	06/27/2001	Bobby Joe Caine	18326/00701	4243

7590

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EXAMINER

RHODE JR, ROBERT E

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/893,070

Applicant(s)

CAINE, BOBBY JOE

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 & 13 - 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/16/2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Claims 7 -12 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse.

### *Drawings*

The drawings filed on 6-27-01 are acceptable subject to correction of the informalities, which include shading of computer screen as well as shading of Figure 6, which will eliminate any underlying information. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4 – 6, 13 - 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US 6,070,125) in view of Van Bommel (US 6,151,555).**

Regarding claim 1 and related claim 13, Murphy teaches a method of manufacturing a computer readable medium for marketing of geophysical seismic data, the method comprising the steps of:

converting data in a plurality of full seismic data files from a vector format to a computer graphic format to create a plurality of corresponding graphic image files (see at least Abstract, Col 2, lines 37 – 41, 60 – 67, Col 3, lines 1- 15 and 19 – 35 and 58 – 61). Please note that Murphy does not specifically disclose marketing. In that regard, the word marketing is considered for examination purposes to be non-functional descriptive material. In that regard, methods and systems a preamble, which recite such words as “marketing” that a kind/type of intended use including such specifics as “marketing” is given little patentable weight. The phrase(s) and or word(s) are given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant’s invention from Murphy. For example, the body of the claims can be executed regardless of the intended use such as marketing Thereby; the non-fictional descriptive material is directed only to the intended use and therefore does not affect either the structure or method/process of Murphy, which leaves the method and system unchanged.

While Murphy does disclose a drill down capability whereby files are linked and thereby compressed in order to provide more detailed geographic information, the reference does not specifically disclose a method for compressing each of said plurality of graphic image files to create a plurality of corresponding compressed seismic data files;

Art Unit: 3625

providing a reference in each of said compressed seismic data files for linking to respective ones of said corresponding seismic data files; linking each of said compressed seismic data files to a respective one of a plurality of surface seismic data lines, wherein selection of one of said surface seismic data lines from a map displayed by a computer system causes a geophysical image corresponding to said receptive one of said compressed seismic data tiles to be displayed; and storing said compressed seismic data files, said references, and said map on said medium.

On the other hand and in the same area of providing graphic images to create seismic data files, Van Bommel teaches a method for compressing each of said plurality of graphic image files to create a plurality of corresponding compressed seismic data files; providing a reference in each of said compressed seismic data files for linking to respective ones of said corresponding seismic data files; linking each of said compressed seismic data files to a respective one of a plurality of surface seismic data lines, wherein selection of one of said surface seismic data lines from a map displayed by a computer system causes a geophysical image corresponding to said receptive one of said compressed seismic data tiles to be displayed; and storing said compressed seismic data files, said references, and said map on said medium (see at least Abstract, Col 1, lines 24 – 64 and Figure 39).

Regarding claim 4 and related claim 5, Van Bemmell teaches an article of manufacture, wherein said references are respectively embedded in said compressed seismic data files and are visible in said corresponding geophysical display (Figure 39).

Regarding claim 6 and related claim 17, An article of manufacture, wherein each of said plurality of compressed seismic data files m created from corresponding ones of said full seismic data files using a lossy compression technique and (claim14) wherein said step of compressing is repeated until said compressed seismic data file is within a predetermined size and (claim 16), wherein said compressed seismic data file is in a Joint Photographic Experts Group (JPEG) format and (claim) 20 wherein said reference is embedded in said compressed seismic data file and is visible in said corresponding geophysical display. While the combination does not specifically disclose compression, it would have been obvious to one of ordinary skill in the art that a compression technique would have been required. Moreover, these compression techniques were old and well known at the time of the applicant's invention and thereby they would have been motivated to apply these old and well-known compression techniques to preclude excessive large storage, processing and communication capabilities.

It would have been obvious to one of ordinary skill in the art to have provided the method and article of Murphy with the article and method of Van Bemmell to have enabled a method and article for a of manufacturing a computer readable medium for marketing of geophysical seismic data, the method comprising the steps of:

Art Unit: 3625

converting data in a plurality of full seismic data files from a vector format to a computer graphic format to create a plurality of corresponding graphic image files; compressing each of said plurality of graphic image files to create a plurality of corresponding compressed seismic data files; providing a reference in each of said compressed seismic data files for linking to respective ones of said corresponding seismic data files; linking each of said compressed seismic data files to a respective one of a plurality of surface seismic data lines, wherein selection of one of said surface seismic data lines from a map displayed by a computer system causes a geophysical image corresponding to said receptive one of said compressed seismic data tiles to be displayed; and storing said compressed seismic data files, said references, and said map on said medium. Murphy discloses a method and article manufacturing a computer readable medium for marketing of geophysical seismic data, the method comprising the steps of: converting data in a plurality of full seismic data files from a vector format to a computer graphic format to create a plurality of corresponding graphic image files (see at least Abstract, Col 2, lines 37 – 41, 60 – 67, Col 3, lines 1- 15 and 19 – 35 and 58 – 61). In turn, Van Bemmell discloses a method and article for compressing each of said plurality of graphic image files to create a plurality of corresponding compressed seismic data files; providing a reference in each of said compressed seismic data files for linking to respective ones of said corresponding seismic data files; linking each of said compressed seismic data files to a respective one of a plurality of surface seismic data lines, wherein selection of one of said surface seismic data lines from a map displayed by a computer system causes a geophysical image corresponding to said receptive one

of said compressed seismic data tiles to be displayed; and storing said compressed seismic data files, said references, and said map on said medium (see at least Abstract, Col 1, lines 24 – 64 and Figure 39). Therefore, one of ordinary skill in the art would have been motivated to extend the method and article of Murphy with a method and article for compressing each of said plurality of graphic image files to create a plurality of corresponding compressed seismic data files; providing a reference in each of said compressed seismic data files for linking to respective ones of said corresponding seismic data files; linking each of said compressed seismic data files to a respective one of a plurality of surface seismic data lines, wherein selection of one of said surface seismic data lines from a map displayed by a computer system causes a geophysical image corresponding to said receptive one of said compressed seismic data tiles to be displayed; and storing said compressed seismic data files, said references, and said map on said medium.

**Claims 2, 3, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Murphy and Van Bommel as applied to claims 1 and 13 above, and further in view of screen shots of ESRI.com captured via the WayBackMachine (archive.org) and hereafter referred to as “ESRI”.**

The combination of Murphy and Van Bommel disclose and teach substantially the applicant's invention.



Art Unit: 3625

However, the combination does not specifically disclose and teach a method, wherein said medium is a removable medium selected from the group consisting of: a compact disk (CD); a digital versatile disk (DVD), a magneto-optical (MO) disk; a magnetic tape; a magnetic disk; a micro drive; and a compact flash card and wherein said medium is fixed within a computer system and adapted to receive said files from another computer as well as wherein said step of storing comprises transmitting said compressed seismic data files, said references, and said map via a computer network for storage in a fixed medium associated with a broker computer.

On the other hand and regarding claim 2 and related claim 18, ESRI teaches an article and method of manufacture, wherein said medium is a removable medium selected from the group consisting of: a compact disk (CD); a digital versatile disk (DVD), a magneto-optical (MO) disk; a magnetic tape; a magnetic disk; a micro drive; and a compact flash card (Page 9 and 10).

Regarding claim 3, ESRI teaches an article of manufacture, wherein said medium is fixed within a computer system and adapted to receive said files from another computer (Page 11).

Regarding claim 19, ESRI teaches a method, wherein said step of storing comprises transmitting said compressed seismic data files, said references, and said map via a

Art Unit: 3625

computer network for storage in a fixed medium associated with a broker computer (Page 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Murphy and Van Bemmell with the article and method of ESRI to have enabled a method, wherein said medium is a removable medium selected from the group consisting of: a compact disk (CD); a digital versatile disk (DVD), a magneto-optical (MO) disk; a magnetic tape; a magnetic disk; a micro drive; and a compact flash card and wherein said medium is fixed within a computer system and adapted to receive said files from another computer as well as wherein said step of storing comprises transmitting said compressed seismic data files, said references, and said map via a computer network for storage in a fixed medium associated with a broker computer (see at least Pages 9 – 12). The combination of Murphy and Van Bemmell disclose an article and method of manufacturing a computer readable medium for marketing of geophysical seismic data. In turn ESRI disclose a method, wherein said medium is a removable medium selected from the group consisting of: a compact disk (CD); a digital versatile disk (DVD), a magneto-optical (MO) disk; a magnetic tape; a magnetic disk; a micro drive; and a compact flash card and wherein said medium is fixed within a computer system and adapted to receive said files from another computer as well as wherein said step of storing comprises transmitting said compressed seismic data files, said references, and said map via a computer network for storage in a fixed medium associated with a broker computer (see

Art Unit: 3625

at least Pages 9 – 12). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Murphy and Van Bommel with a method, wherein said medium is a removable medium selected from the group consisting of: a compact disk (CD); a digital versatile disk (DVD), a magneto-optical (MO) disk; a magnetic tape; a magnetic disk; a micro drive; and a compact flash card and wherein said medium is fixed within a computer system and adapted to receive said files from another computer as well as wherein said step of storing comprises transmitting said compressed seismic data files, said references, and said map via a computer network for storage in a fixed medium associated with a broker computer.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art includes Jones (US 4,558,438), which discloses displaying geophysical information and Bouve (US 6,415,291 B2), which discloses drill down capability of geographic informational maps as well as Chui (US 5,841,473), which discloses compression techniques.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

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After Final communications labeled  
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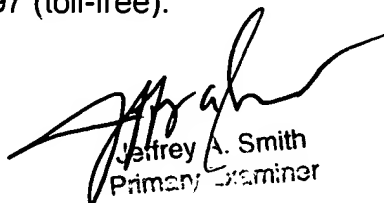
**(703) 746-7418** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Smith  
Primary Examiner